

Message Text

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EXDIS

FOR D/LOS

FROM US DEL LOS

E.O. 11652: EXEMPT GDS

TAGS: PLOS

SUBJ: PAPERS FOR SECRETARY'S VISIT

1. FOLLOWING ARE COUNTRY PAPERS FOR EGYPT AND INDIA.
MORE WILL FOLLOW.

EGYPT

YOUR MEETING WITH EGYPTIAN HEAD OF DELEGATION MEQUID

PARTICIPANTS

U.S. EGYPT

SECRETARY MEQUID

MAW SHEHAB

LEARSON

OXMAN

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NOTETAKER

CHECKLIST

-- COMMITTEE I - PROBE FOR REASONS FOR EXTREMIST POSITION
OF ARAB GROUP.

-- COMMITTEE II - URGE SUBSTANTIVE SOLUTIONS ON STRAITS
WHICH AVOID MIDDLE EAST PROBLEMS IN LOS.

-- COMMITTEE III - STRESS IMPORTANCE OF MAKING MAJOR
CHANGES TO SCIENTIFIC RESEARCH TEXT.

-- DISPUTE SETTLEMENT - STRESS IMPORTANCE OF APPLICATION TO
ECONOMIC ZONE DISPUTES

BACKGROUND

1. COMMITTEE I - A U.S. TEAM VISITED CAIRO RECENTLY FOR A
FRIENDLY, BUT INCONCLUSIVE, EXCHANGE OF VIEWS. EGYPT IS THE
ONLY COUNTRY YOU ARE SEEING ON YOUR FRIDAY VISIT WHICH IS A
MEMBER OF THE ARAB GROUP.

1. COMMITTEE I - EGYPT IS ACTIVE IN COMMITTEE I, BUT
IS NOT A RING LEADER. HOWEVER, IF EGYPTIAN ATTITUDES ON
COMMITTEE I COULD BE CHANGED, EGYPT COULD HELP US
WITHIN THE ARAB GROUP BY WATERING DOWN EXTREME ARAB GROUP
POSITIONS, THUS REDUCING ITS ABILITY TO DOMINATE THE GROUP
OF 77.

THE ARAB GROUP, LED BY ALGERIA AND TUNISIA (IN COMMITTEE
I), TOGETHER WITH THE STRONG SUPPORT OF MEXICO, INDIA AND
GHANA, IS NOW DOMINATING THE GROUP OF 77 AND ACCOUNTING FOR ABOUT
30 PERCENT OF THE STATEMENTS IN COMMITTEE I AND IN SMALL GROUP
NEGOTIATIONS. ALL ARAB POSITIONS ARE EITHER EXTREME OR
DESTRUCTIVE -- INVARIABLY WHEN THE CHAIRMAN OF THE GROUP OR OF
THE COMMITTEE IS ABOUT TO ANNOUNCE AN EMERGING CONSENSUS, A
MEMBER OF THE ARAB GROUP TAKES THE FLOOR TO EXPRESS A STRONG
CONTRARY VIEW AND THEREBY BEGINS THE PROCESS OF UNRAVELLING
THE SUPPORT OF OTHER MEMBERS OF THE GROUP OF 77 WHO WERE
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SUPPORTING THE EMERGING CONSENSUS.

WE DO NOT KNOW WHAT IS BEHIND THE ARAB STRATEGY. WE
CAN GUESS AT SEVERAL FACTORS: (1) THE ARAB GROUP, AS A MATTER
OF GROUP PRIDE, MAY WANT TO PLAY A BIG ROLE; (2) THE ARAB
GROUP, HAVING BEEN UNDER SEVERE CRITICISM IN THIRD WORLD
CIRCLES SINCE THE OIL EMBARGO, MAY BE EXAGGERATING THEIR
LOYALTY TO, AND DEFENSE OF, THE INTERESTS OF THE GROUP

OF 77; (3) THE ARAB GROUP (PROBABLY INCORRECTLY) MAY FEEL THAT OIL WILL EVENTUALLY BE FOUND IN SIGNIFICANT EXPLOITABLE QUANTITIES IN THE DEEP SEABEDS, AND IS INTERESTED IN PROMOTING PRODUCTION CONTROLS IN THE DEEP SEABED FOR HYDROCARBONS (THE PRESENT ART. 9 ONLY APPLIES TO THE FOUR METALS CONTAINED IN MANGANESE NODULES), AND THEY MAY THINK THEY WILL NEED TO INCREASE THE ANTE BEFORE GETTING US TO THE POINT WHERE WE WOULD EXPLORE COMPROMISES WITH THEM.

MEXICO, GHANA AND INDIA PROBABLY WOULD APPEAR A MINORITY VOICE IN THE GROUP OFF 77, IF THE ARAB GROUP COULD BE NEUTRALIZED FROM THE INSIDE BY EGYPT. IF THAT WERE POSSIBLE, WE MIGHT BE ABLE TO REVERSE THE RAPIDLY ACCELERATING TREND TOWARD POLARIZATION IN THE COMMITTEE AND POSSIBLE COLLAPSE OF THE CONFERENCE.

2. COMMITTEE II - EGYPT'S KEY CONCERNS IN THIS REGARD RELATE TO STRAITS. THEY HAVE TWO POINTS WHICH MUST BE READ AGAINST THE BACKGROUND OF THE MIDDLE EAST SITUATION: (1) WHILE THEY HAVE MUTED THEIR OPPOSITION TO FREE TRANSIT, THEY OPPOSE A RIGHT OF OVERFLIGHT OF HIGH SEAS TO HIGH SEAS STRAITS; (E.G., GIBRALTER AND BAB-EL-MANDEB). (2) THEY OPPOSE THE PROVISIONS FOR HIGH SEAS TO TERRITORIAL SEA (NON-SUSPENDABLE INNOCENT PASSAGE) AND WANT TO DELETE THE PROHIBITION ON SUSPENDING INNOCENT PASSAGE IN SUCH STRAITS. WHILE THEY ARE UNIFIED, THERE IS NO SIGN YET OF MASSIVE LOBBYING ON THEIR PART. EGYPT AND OTHER ARAB STATES DID NOT RATIFY THE 1958 TERRITORIAL SEA CONVENTION BECAUSE IF APPLIED THE NON-SUSPENSION RULE TO HIGH SEAS TO TERRITORIAL SEAS STRAITS. HOWEVER, IF THE NON-SUSPENSION RULE REMAINS IN THIS TEXT AND THE CONVENTION REMAINS A SINGLE PACKAGE, SOME ARAB- (ALTHOUGH PERHAPS NOT EGYPT, BECAUSE IT IS DIRECTLY INVOLVED), MAY RATIFY TO PROTECT OTHER INTERESTS.

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ISRAEL, ON THE OTHER HAND, OPPOSES THE PROVISION ON INNOCENT PASSAGE IN SUCH STRAITS AND FAVORS FREE TRANSIT, AS IN HIGH SEAS TO HIGH SEAS STRAITS. THERE IS NO CHANCE THAT THE ARABS WILL AGREE TO FREE TRANSIT IN FORM OR EFFECT FOR THE STRAIT OF TIRAN. IT IS IN OUR INTERESTS THAT BOTH THE ARAB STATES AND ISRAEL BECOME PARTIES TO THIS CONVENTION WITHOUT PREJUDICE TO AN OVERALL SETTLEMENT IN THE MIDDLE EAST.

WHILE THE PRESENT APPROACH IS PERHAPS NOT THE ONLY FORMULATION TO RESOLVE THE PROBLEM, IT IS RELATIVELY SIMPLE AND UNDERSTANDABLE AND TENDS TO REPRESENT A MIDDLE GROUND. IT HAS THE MERIT OF BEING ESSENTIALLY IDENTICAL IN SUBSTANCE TO THE 1958 TERRITORIAL SEA CONVENTION, TO WHICH WE ARE PARTIES. IF THE ISSUE IS OPENED AND A FIGHT DEVELOPS, ISRAEL IS LIKELY TO LOSE TO THE ARAB GROUP AND IT WOULD BECOME

DIFFICULT FOR US OR ISRAEL TO RATIFY THE RESULT. TIRAN WOULD
REMAIN AN UNRESOLVED ISSUE IN THE MIDDLE EAST.

THE "ARAB GROUP" INCLUDING EGYPT REGARDS THE STATUS
OF THE ECONOMIC ZONE AS NEITHER TERRITORIAL SEA, NOR HIGH
SEAS, BUT A BEGIN UNDERLINE SUI GENERIS END
UNDERLINE ZONE. THIS IS GENERALLY THE VIEW OF THE COASTAL
DEVELOPING COUNTRIES. THE ARAB GROUP, ESPECIALLY THE OIL
EXPORTING MEMBERS, SHOULD HAVE A DECIDED INTEREST IN ENSURING
THAT THE ECONOMIC ZONE DOES NOT EVOLVE INTO THE FUNCTIONAL
EQUIVALENT OF A TERRITORIAL SEA; THUS, THEY HAVE AN INTEREST
IN SUPPORTING US. EGYPT SHOULD BE APPRISED OF THE STRENGTH
OF OUR COMMITMENT TO THE HIGH SEAS STATUS, WHILE ASSURED
THAT WE DO NOT INTEND BY THIS TO DEROGATE FROM THE RESOURCE AND
OTHER RIGHTS OF THE COASTAL STATE IN THE ZONE.

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FOR D/LOS

FROM US DEL LOS

3. COMMITTEE III - EGYPT HAS SUPPORTED A TOTAL
CONSENT REGIME FOR SCIENTIFIC RESEARCH WITH NO RESTRIC-
TIONS ON THE COASTAL STATE RIGHT TO REFUSE CONSENT.
THEY HAVE SPECIFICALLY RAISED THE PROBLEM OF THEIR NEED
TO CONTROL FOREIGN SCIENTIFIC RESEARCH FOR NATIONAL SECURITY
PURPOSES. THEY HAVE NOT BEEN ACTIVE DURING THIS SESSION
ON THE ISSUE, BUT THAT IS DUE TO A CHANGE OF DELEGATES,

RATHER THAN POSITION.

4. DISPUTE SETTLEMENT - WHILE OTHER ARAB STATES HAVE TAKEN AN ACTIVE PART IN THE DISPUTE SETTLEMENT NEGOTIATIONS, EGYPT HAS PARTICIPATED SPORADICALLY. TOGETHER WITH ISRAEL, EGYPT HAS AN INTEREST IN A SPECIAL OPTIONAL EXCEPTION TO THE PRINCIPLE OF COMPULSORY PROCEDURES THAT WOULD EXCLUDE DISPUTES UNDER CONSIDERATION BY THE SECURITY COUNCIL. THE RSNT, PART IV, REQUIRES A POSITIVE DECISION OF THE SECURITY COUNCIL TO EXCLUDE A MATTER FROM THE LOS DISPUTE SETTLEMENT SYSTEM, WHILE THE PREVIOUS TEXT EXCLUDED SUCH DISPUTES UNLESS THE SECURITY COUNCIL DECIDES THAT THE LOS PROCEDURES CAN BE APPLIED. EGYPT, ISRAEL AND THE SOVIET UNION PREFER THE PREVIOUS TEXT ON THIS POINT. WE CAN AGREE.

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TALKING POINTS:

GENERAL

-- THIS SESSION OF THE CONFERENCE MAY WELL DETERMINE WHETHER THESE NEGOTIATIONS CAN RESULT IN A TREATY WHICH ACCOMMODATES THE INTERESTS OF THE WORLD COMMUNITY.

-- THE LOS NEGOTIATIONS TOUCH ON A NUMBER OF ISSUES OF VITAL INTEREST TO THE U.S. WE CANNOT AGREE TO A TREATY WHICH DOES NOT MEET OUR BASIC CONCERNS.

-- THE U.S. HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART. HOWEVER, THERE IS A POINT BEYOND WHICH THE U.S. IS NOT PREPARED TO GO.

-- THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.

COMMITTEE I

-- WE ARE CONCERNED BY THE STRONG IDEOLOGICAL AND EXTREME POSITIONS OF THE ARAB GROUP IN COMMITTEE I.

-- AS A GROUP, THE ARAB COUNTRIES DO NOT APPEAR TO HAVE SIGNIFICANT NATIONAL OR FOREIGN POLICY INTERESTS IN THE OUTCOME OF COMMITTEE I NEGOTIATIONS.

-- VIRTUALLY ALL GEOLOGISTS FORECAST NO SIGNIFICANT

QUANTITIES OF OIL IN THE DEEP SEABEDS, THAT IS BEYOND THE ECONOMIC ZONES AND CONTINENTAL SHELVES.

-- THE REVISED SNT IN THE VIEW OF THE UNITED STATES IS A marginally acceptable basis for further work in its present form. IF THE ARAB GROUP PUSHES THE TEXT FARTHER LEFT, IT WILL PROBABLY PUSH THE U.S. OUT OF THE NEGOTIATION AND THE CHANCE FOR A WIDELY ACCEPTED LAW OF THE SEA TREATY
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MAY BE LOST.

-- WE DO NOT SEE WHY IT WOULD NOT BE IN THE INTEREST OF POSITIVE ACTION IN THE GROUP TO ABATE EXTREMIST PRESSURES AND PRODUCE CONSTRUCTIVE, MODERATE NEGOTIATIONS IN THE COMMITTEE.

COMMITTEE II.

-- THE U.S. AND EGYPT HAVE A COMMON INTEREST IN ENSURING FREE TRANSIT OF STRAITS CONNECTING TWO PARTS OF THE HIGH SEAS FOR ALL VESSELS AND AIRCRAFT.

-- THE U.S. DOES NOT BELIEVE THIS CONFERENCE CAN OR SHOULD PREJUDICE THE OUTCOME OF NEGOTIATIONS FOR A MIDDLE EAST SETTLEMENT. THIS IS NOT THE PLACE TO FINALLY RESOLVE THE QUESTION OF THE STRAIT OF TIRAN.

-- THE CURRENT TEXT REPEATS THE RULE OF THE 1958 CONVENTION FOR STRAITS CONNECTING THE HIGH SEAS TO THE TERRITORIAL SEAS - NON-SUSPENDABLE INNOCENT PASSAGE IN DOING SO, IT MAKES A CLEAR DISTINCTION BETWEEN THIS TYPE OF STRAIT AND OTHER TYPES OF STRAITS.

-- THERE IS NOTHING PRACTICAL TO BE GAINED BY MAKING A MAJOR ISSUE OF TIRAN HERE. IT RISKS SEVERELY PREJUDICING THE CONFERENCE, AND IS UNLIKELY TO RESULT IN AGREEMENT AMONG THOSE CONCERNED.

-- WE BELIEVE THE EASIEST THING TO DO IS LEAVE THE TEXT WHERE IT STANDS - NOT BECAUSE OF ANY LACK OF RATIONAL ALTERNATIVES, BUT BECAUSE IT LEAVES MATTERS WHERE THEY STAND. MOREOVER, WE DO NOT BELIEVE AN OPTION TO SUSPEND PASSAGE THAT IS INNOCENT IS IN FACT, A PRACTICAL ONE; NO STATE WOULD EVER MAINTAIN THAT IT IS SUSPENDING ACCESS TO AND FROM THE OPEN SEA EVEN THOUGH SUCH PASSAGE IS INNOCENT.

-- IN OUR VIEW, THE HIGH SEAS STATUS OF THE ECONOMIC ZONE IS OF CRITICAL IMPORTANCE. OUR POSITION AND CONCERNS ARE NOT THEORETICAL, BUT ARE VERY REAL.

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-- THE U.S. IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL EQUIVALENT OF A TERRITORIAL SEA EXTENDING TO 200 MILES FROM THE COAST. THIS IS THE IMPLICATION OF THE PRESENT NEGOTIATING TEXT.

-- LET US ASSURE YOU THAT WE DO NOT INTEND, ON THE OTHER HAND, THAT THE HIGH SEAS STATUS OF THE ZONE SHOULD DEROGATE FROM THE RESOURCE AND OTHER RIGHTS OF THE COASTAL STATE THAT THIS TREATY WILL INCLUDE. IN THIS REGARD, WE ARE PREPARED TO NEGOTIATE SUITABLE ASSURANCES FOR COASTAL STATES.

-- I ALSO WANT TO ASSURE YOU THAT WE DO NOT REGARD THE HIGH SEAS STATUS OF THE ZONE AS AFFECTING THE OUTCOME OF NEGOTIATIONS WITH THE LANDLOCKED STATE ON RESOURCES. THAT ISSUE MUST BE DECIDED ON ITS OWN MERITS AND THE RESULT MUST BE FAIR TO COASTAL AS WELL AS LANDLOCKED COUNTRIES.

COMMITTEE III.

-- I AM EXTREMELY CONCERNED ABOUT THE REVISED TEXT ON MARINE SCIENTIFIC RESEARCH. THE TEXT IS MUCH TOO COASTALLY ORIENTED. WE MUST ELIMINATE THE OVERALL CONSENT CONCEPT, AND LIMIT THE CONSENT REQUIREMENT IN THE ECONOMIC ZONE TO A FEW CLEARLY SPECIFIED CATEGORIES OF SCIENTIFIC RESEARCH (E.G., RESOURCE-ORIENTED RESEARCH). AND, OF COURSE, WE MUST APPLY THE COMPULSORY DISPUTE SETTLEMENT PROCEDURES TO SCIENTIFIC RESEARCH.

-- YOUR DELEGATION HAS RAISED SECURITY CONCERNS REGARDING SCIENTIFIC RESEARCH OFF YOUR COAST. I FEEL YOUR FEARS ARE UNFOUNDED, SINCE NOTICE, PARTICIPATION AND SHARING OF DATA WOULD BE REQUIRED FOR ALL SCIENTIFIC RESEARCH. IN ANY CASE, IF WE TRY TO CONVERT THE ECONOMIC ZONE TO A SECURITY ZONE, IT IS CLEAR THAT THE VERY FOUNDATIONS OF THIS NEGOTIATION OVER SEVERAL YEARS WILL COLLAPSE. THUS, WE MUST OPPOSE ANY RIGHT FOR THE COASTAL STATE TO CONTROL ACTIVITIES ON SECURITY GROUNDS: THAT IS A TERRITORIAL SEA.

DISPUTE SETTLEMENT.

-- THERE WILL BE CONTINUING PROBLEMS IN HARMONIZING THE

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RIGHT OF COASTAL STATES AND OTHERS IN THE ECONOMIC ZONE.
WE NEED A PROCEDURE THAT REDUCES THE POTENTIAL FOR FRICTION.
IT IS THE LAW - THE TREATY - THAT WILL APPLY IN SUCH
DISPUTES.

-- WE ATTACH GREAT IMPORTANCE TO APPLYING OBLIGATORY
PROCEDURES TO DISPUTES IN THE ECONOMIC ZONE. WE BELIEVE THAT
THE LONG-TERM INTERESTS OF COASTAL STATES WILL BE SERVED BY
PROVIDING A REASONABLE ALTERNATIVE FOR PROTECTING THEIR
INTERESTS.

-- OBLIGATORY PROCEDURES FOR DISPUTES IN THE ECONOMIC ZONE
ARE OF SPECIAL IMPORTANCE FOR STATES WITH NAVIGATIONAL INTERESTS
AS WELL. THE ECONOMIC COST OF COASTAL STATE ENFORCE-
MENT OF ENVIRONMENTAL STANDARDS AGAINST OIL TANKERS, FOR
EXAMPLE, CAN BE REDUCED BY BONDING REQUIREMENTS AND THIRD-
PARTY PROCEDURES FOR QUICK RELEASE OF VESSELS.

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STADIS////////////////////////////////////

EXDIS

FOR D/LOS

FROM US DEL LOS

INDIA

YOUR MEETING WITH INDIAN HEAD OF DELEGATION BOKHALE

PARTICIPANTS

US INDIA

KISSINGER GOKHALE

MAW JAGOTA

LEARSON

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CHECKLIST

--COMMITTEE I - CONGRATULATE JAGOTA AND URGE DROPPING
ALTERNATING EXPLOITATION PROPOSAL.

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--COMMITTEE II - URGE ACCEPTANCE OF HIGH SEAS STATUS
OF ECONOMIC ZONE.

--COMMITTEE III - STRESS NECESSITY OF MAJOR CHANGES
TO SCIENTIFIC RESEARCH TEXT.

--DISPUTE SETTLEMENT - STRESS NECESSITY OF APPLICATION
TO ECONOMIC ZONE DISPUTES.

BACKGROUND

WHILE WE HAVE HAD DIFFICULTIES WITH INDIA IN THE
PAST, HER DELEGATION HAS NOW EMERGED AS A CHIEF OPPON-
ENT OF OURS ON MOST OF THE KEY OUTSTANDING ISSUES IN
THE CONFERENCE. HER ORIENTATION IN COMMITTEE I IS
RADICAL, AND IN COMMITTEE II, III, AND DISPUTE SETTLE-
MENT, EXCEEDINGLY COASTAL.

COMMITTEE I.

INDIA CLAIMS IT IS DEFENDING THE BEST INTERESTS
OF THE GROUP OF 77 IN OPPOSING THE CRUCIAL COMPROMISE
ARTICLES IN THE REVISED SNT. BOTH SOVIET AND AMERICAN
INFLUENCE ON THE INDIAN DELEGATION HAS BEEN SMALL. INDIA
WAS NOT A MEMBER OF THE BRAZIL GROUP, BUT MAY GENERALLY
SUSPECT ITS EXISTENCE. WE HAVE USED OUR AMBASSADOR IN
DELHI EXTENSIVELY, AND THE SENIOR MEMBERS OF THE US
DELEGATION VISITED DELHI THREE WEEKS AGO. OUR EFFORTS
HAVE NOT BEN SUCCESSFUL. THE INDIAN DELEGATION IS DIS-
SATISFIED WITH THE ALLEGED NON-VIABILITY OF THE ENTER-

PRISE, THE STRONG POWER OF THE TRIBUNAL, AND IN ADDITION, WANTS TO SEE THE ASSEMBLY OF THE SEABED AUTHORITY MADE MUCH MORE POWERFUL.

FURTHERMORE, AS YOU KNOW, INDIA IS ON THE VERGE OF MAKING A STAGGERED ACCESS PROPOSAL IN THE GROUP OF 77, WHICH COULD GALVANIZE THE GROUP OF 77 AND DESTROY THE BASIC FUNCTIONING OF GUARANTEED ACCESS UNDER THE PARALLEL SYSTEM. THEIR PROPOSAL IS TO LIMIT ACCESS -- REQUIRING THAT THE ENTERPRISE CONDUCT ITS FIRST OPERATION BEFORE
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ANY STATE OR PRIVATE COMPANY CAN OBTAIN A CONTRACT FOR THE SECOND MINE SITE. THE THIRD MINE SITE LIKewise WOULD HAVE TO BE MADE OPERATIONAL FOR THE ENTERPRISE BEFORE THE AUTHORITY COULD CONTRACT WITH A STATE OR PRIVATE COMPANY FOR THE FOURTH MINE SITE, AND SO ON FOR THE FIRST 20 YEARS AFTER THE TREATY COMES INTO FORCE. AT THE END OF 20 YEARS, INDIA BELIEVES THE PARALLEL SYSTEM SHOULD AUTOMATICALLY DISAPPEAR IN FAVOR OF EXCLUSIVE EXPLOITATION BY THE ENTERPRISE, UNLESS A SPECIAL REVIEW CONFERENCE DECIDES TO RETAIN THE PARALLEL SYSTEM. WE HAVE TOLD INDIA THEIR PROPOSAL IS UNACCEPTABLE AND WILL POLARIZE THE NEGOTIATIONS.

INDIA KNOWS THAT WE FOUGHT HER CANDIDACY FOR CO-CHAIRMANSHIP OF THE COMMITTEE I WORKING GROUP BECAUSE OF HERE RADICAL POSITIONS. NEVERTHELESS, INDIA HAS BEEN SELECTED AS A CO-CHAIRMAN OF THE WORKING GROUP IN COMMITTEE I RESPONSIBLE FOR THE FINAL NEGOTIATIONS.

COMMITTEE II.

INDIA HAS ADVOCATED STRONGLY COASTAL POSITIONS ON SEVERAL COMMITTEE II ISSUES.

WHILE THE US HAS ADVOCATED THAT THE LEGAL STATUS OF THE ECONOMIC ZONE SHOULD REMAIN HIGH SEAS, INDIA STRONGLY SUPPORTS THE POSITION THAT THE ECONOMIC ZONE IS NEITHER HIGHSEAS NOR TERRITORIAL SEA, BUT A BEGIN UNDERLINE SUI GENERIS END UNDERLINE ZONE.

INDIA MADE AN EXTREME PROPOSAL AT THE LAST SESSION PROVIDING FOR A DRAMATIC EXTENSION OF COASTAL STATE JURISDICTIONS IN THE ECONOMIC ZONE. WE REGARD THE PRESENT TEXT REGARDING SAFETY ZONES AS REPRESENTING A REASONABLE BALANCE OF INTERESTS BETWEEN NAVIGATION AND PHYSICAL PROTECTION OF THE INSTALLATIONS.

INDIA FAVORS APPLICATION OF THE ARCHIPELAGO CONCEPT

TO OCEAN ARCHIPELAGOS BELONGING TO CONTINENTAL STATES,
IN HER CASE, THE ANDAMAN AND NICOBAR ISLANDS AT THE MOUTH
OF THE MALACCA STRAIT. INDIA DREW LITTLE SUPPORT FOR
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THIS POSITION WHICH WE OPPOSED. THE RSNT APPLIES THE
ARCHIPELAGO PRINCIPLE ONLY TO INDEPENDENT ISLAND
STATES. OUR INSTRUCTIONS PERMIT US TO ACCEPT THE ARCHI-
PELAGO PRINCIPLE AS PART OF A LOS PACKAGE ONLY IF IT IS
NARROWLY AND OBJECTIVELY DEFINED TO APPLY TO LIMITED
NUMBER OF ISLAND STATES, AND IF THE REGIME OF NAVIGATION
AND OVERFLIGHT THROUGH AND OVER THE ARCHIPELAGO IS
SATISFACTORY. APPLYING THE CONCEPT TO INCLUDE ISLAND
GROUPS OF CONTINENTAL STATES WOULD GREATLY INCREASE
THE NUMBER OF AREAS EXCLUDED FROM THE HIGH SEAS REGIME.
WE ARE NOT CERTAIN WHY INDIA IS PUSHING THIS POINT, SINCE
THE ANDAMAN AND NICOBAR ISLANDS WOULD BE ENTITLED TO 200-
MILE ECONOMIC ZONES AND CONTINENTAL SHELVES.

THE INDIANS HAVE ALSO STRENUOUSLY ADVOCATED ADVANCED
NOTIFICATION OR AUTHORIZATION FOR INNOCENT PASSAGE BY
NUCLEAR-POWERED VESSELS AND SUBMARINES THROUGH THE TERRI-
TORIAL SEA. THIS IS VIGOROUSLY OPPOSED BY THE US.

INDIA HAS A POTENTIALLY IMMENSE CONTINENTAL MARGIN
OFF ITS COAST BEYOND 200 MILES. MOST OF IT IS AT CON-
SIDERABLE DEPTHS. SHE HAS OPPOSED OUR PROPOSED DEFINI-
TION OF THE CONTINENTAL MARGIN BEYOND 200 MILES (WHICH
IS 60 MILES FROM THE BOTTOM OF THE CONTINENTAL SLOPE),
BUT MAY BE SATISFIED BY AN IRISH-CANADIAN PROPOSAL THAT
WE CAN ACCEPT. GOING BEYOND THAT WOULD STRETCH COASTAL
JURISDICTION VERY FAR OUT TO SEA. WITH RESPECT TO
REVENUE SHARING FROM THE SHELF BEYOND 200 MILES, INDIA
FAVORS A TOTAL OR PARTIAL EXTENSION FOR DEVELOPING
COASTAL STATES. WE OPPOSE THIS.

COMMITTEE III.

INDIA HAS CONSISTENTLY AND STRONGLY SUPPORTED A TOTAL
CONSENT REGIME FOR SCIENTIFIC RESEARCH IN THE ECONOMIC
ZONE ON THE CONTINENTAL SHELF WITH NO RESTRUCTIONS ON
THE COASTAL STATE RIGHT TO REFUSE CONSENT. IN ADDITION,
INDIA WAS THE FIRST TO RAISE ITS DESIRE FOR A COASTAL
STATE RIGHT TO REFUSE CONSENT ON NATIONAL SECURITY
GROUNDS IF CATEGORIES FOR CONSENT WERE TO BE SPECIFIED.
FINALLY, INDIA OPPOSES THE APPLICATION OF COMPULSORY
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DISPUTE SETTLEMENT TO DISPUTES INVOLVING MARINE SCIENTIFIC
RESEARCH IN THE ECONOMIC ZONE.

DISPUTE SETTLEMENT.

INDIA IS GENERALLY HOSTILE TO COMPUSLORY DISPUTE
SETTLEMENT, AND ADVOCATES TOTAL EXCLUSION OF THE ECONOMIC
ZONE FROM ANY BINDING DISPUTE SETTLEMENT PROCEDURES.

TALKING POINTS.

GENERAL

--THE LOS NEGOTIATIONS TOUCH ON A NUMBER OF ISSUES OF
VITAL INTEREST TO THE US. WE CANNOT AGREE TO A TREATY
WHICH DOES NOT MEET OUR BASIC CONCERNS.

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STADIS////////////////////////////////////

EXDIS

FOR D/LOS

FROM US DEL LOS

--THE US HAS BEEN A LEADER IN THESE NEGOTIATIONS IN
SEEKING COMPROMISES AND ATTEMPTING TO ACCOMMODATE THE
INTERESTS OF THE LARGE MAJORITY OF NATIONS WITH OCEANS
CONCERNS.

--THE US HAS MADE A NUMBER OF COMPROMISE PROPOSALS IN AN EFFORT TO REACH A BROADLY ACCEPTABLE AGREEMENT. SOME OF THESE HAVE ENTAILED IMPORTANT CONCESSIONS ON OUR PART. HOWEVER, THERE IS A POINT BEYOND WHICH THE US IS NOT PREPARED TO GO.

--THUS, WHILE WE CLEARLY WANT TO RESOLVE ALL MAJOR ISSUES AT THIS SESSION, WE ARE NOT WILLING TO MAKE CONCESSIONS MERELY FOR THE SAKE OF QUICK AGREEMENT.

COMMITTEE I.

--WE WISH TO COOPERATE WITH INDIA IN EVERY WAY POSSIBLE IN EXECUTING ITS NEW RESPONSIBILITIES AS CO-CHAIRMAN OF THE WORKING GROUP IN COMMITTEE I.

--WE KNOW INDIA AND OTHERS FEEL STRONGLY THAT IMPORTANT SECRET

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PARTS OF THE REVISED SNT ARE UNSATISFACTORY.

--NEVERTHELESS, THE PROPOSAL FOR ALTERNATING EXPLOITATION WHICH THE INDIAN DELEGATION MADE TO OUR NEGOTIATORS WHEN THEY WERE IN DELHI THREE WEEKS AGO GOES TOO FAR FOR THE INDUSTRIALIZED COUNTRIES AND, IF IT BECOMES WIDELY ENDORSED IN THE GROUP OF 77, COULD POLARIZE COMMITTEE I AND LEAD TO THE COLLAPSE OF NEGOTIATIONS.

--INDIA MUST REALIZE THAT BECAUSE OF THE UNIQUE SITUATION THE US FINDS ITSELF IN -- THE ONLY COUNTRY IN THE WORLD WITH THE TECHNOLOGY TO CONDUCT OCEAN MINING -- PROPOSALS WHICH WOULD FORCE THE US TO SUBSIDIZE ITS OWN COMPETITION AND SIMULTANEOUSLY LIMIT ITS OWN ACCESS TO RESOURCES WILL RESULT IN A TREATY OUR CONGRESS WILL NOT RATIFY. THIS IN OUR VIEW WOULD BE DETRIMENTAL TO THE INTERESTS OF ALL COUNTRIES AND SHOULD NOT BE ALLOWED TO HAPPEN.

--WE HOPE INDIA WILL REFRAIN FROM CONTRIBUTING TO MORE EXTREME POSITIONS IN THE GROUP OF 77 AND WILL WORK CLOSELY WITH US TO PRODUCE A POLITICAL SETTLEMENT THAT CAN BE WIDELY ACCEPTED BY INDISUTRIALIZED AS WELL AS DEVELOPING COUNTRIES.

--WE HOPE INDIA WILL USE ITS NEW POSITION AS CO-CHAIRMAN OF THE COMMITTEE I WORKING GROUP TO STRESS THE NEED FOR MODERATION AND COMPROMISE AND WILL STEER A COURSE AWAY FROM IDEOLOGICAL EXTREMISM.

COMMITTEE II.

--IN OUR VIEW THE HIGH SEAS STATUS OF THE ECONOMIC ZONE IS OF CRITICAL IMPORTANCE. OUR POSITION AND CONCERNS ARE NOT THEORETICAL, BUT ARE VERY REAL.

--THE US IS NOT PREPARED TO NEGOTIATE THE FUNCTIONAL EQUIVALENT OF A TERRITORIAL SEA EXTENDING TO 200 MILES FROM THE COAST. THIS IS THE IMPLICATION OF THE PRESENT NEGOTIATING TEXT.

--LET US ASSURE YOU THAT WE DO NOT INTEND, ON THE OTHER
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HAND, THAT THE HIGH SEAS STATUS OF THE ZONE SHOULD DEROGATE FROM THE RESOURCE AND OTHER RIGHTS OF THE COASTAL STATE THAT THIS TREATY WILL INCLUDE. IN THIS REGARD, WE ARE PREPARED TO NEGOTIATE SUITABLE ASSURANCES FOR COASTAL STATES.

--(IF ARCHIPELAGO QUESTION IS RAISED.) WE ARE OPPOSED TO APPLYING THE ARCHIPELAGO CONCEPT TO INCLUDE ISLAND GROUPS OF CONTINENTAL STATES BECAUSE IT WOULD BROADEN THE CONCEPT TO EXTENSIVE PROPORTIONS. IT IS OUR VIEW THAT IT IS NOT WISE FOR CONTINENTAL STATES TO EMPHASIZE THE SEPARATE STATUS OF THEIR ISLANDS AS ARCHIPELAGIC ENTITIES UNTO THEMSELVES. AT THE SAME TIME, THE US SUPPORTS ECONOMIC ZONE AND CONTINENTAL SHELF ENTITLEMENT FOR ISLANDS, SO THAT THE RESULT ON RESOURCES IS THE SAME.

--(IF CONTINENTAL SHELF ISSUE IS RAISED.) THE US SUPPORTS THE SO-CALLED IRISH-CANADIAN FORMULA FOR DEFINING THE OUTER EDGE OF THE CONTINENTAL MARGIN, AND BELIEVES THAT THIS SHOULD ADEQUATELY MEET INDIAN CONCERNS. WE ARE PREPARED TO WORK WITH INDIA TO ENSURE THAT REVENUE SHARING RATES ARE NOT ONEROUS, BUT CANNOT SUPPORT AN EXCLUSION FOR DEVELOPING COASTAL STATES. REVENUE SHARING MUST APPLY EQUALLY TO ALL COASTAL STATES THAT ACQUIRE RESOURCE JURISDICTION BEYOND 200 MILES. WE BEGIN UNDERLINE DO END UNDERLINE SUPPORT BEGIN UNDERLINE USING END UNDERLINE THE FUNDS TO ASSIST DEVELOPING COUNTRIES.

--(IF THE ISSUE OF NAVIGATION IS RAISED.) THE PRESENT TEXT REGARDING SAFETY ZONES AROUND ECONOMIC INSTALLATIONS IN THE ECONOMIC ZONE REPRESENTS A REASONABLE BALANCE OF COASTAL STATE AND INTERNATIONAL INTERESTS.

COMMITTEE III.

--WE ARE VERY CONCERNED ABOUT THE REVISED TEXT ON MARINE SCIENTIFIC RESEARCH. THE TEXT IS MUCH TOO COASTALLY

ORIENTED. WE MUST ELIMINATE THE OVERALL CONSENT CONCEPT,
AND LIMIT THE CONSENT REQUIREMENT IN THE ECONOMIC
ZONE TO A FEW CLEARLY SPECIFIED CATEGORIES OF SCIENTIFIC
RESEARCH. WE CAN ACCEPT CONSENT FOR SCIENTIFIC RESEARCH
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WHICH IS DIRECTLY RELATED TO RESOURCE EXPLOITATION,
INVOLVES DRILLING OR EXPLOSIVES, OR USES AN ARTIFICIAL
ISLAND.

--OF COURSE, THE COMPULSORY DISPUTE SETTLEMENT PROCED-
URES MUST BE APPLICABLE TO MARINE SCIENTIFIC RESEARCH
PROBLEMS.

DISPUTE SETTLEMENT.

--THE PROBLEM WITH THE EXISTING LAW OF THE SEA IS THAT
DIFFERENT NATIONS INTERPRET THE LAW DIFFERENTLY, AND THAT
CONFLICT CAN RESULT WHEN THEY ACT ON THESE DIFFERING
INTERPRETATIONS.

--THE SAME THING CAN HAPPEN WHEN WE HAVE A TREATY. LAW-
YERS WILL BE QUICK TO INTERPRET IT IN DIFFERENT WAYS. IF IMPORTANT
INTERESTS ARE AT STAKE, GOVERNMENTS WILL
ACT ON THOSE INTERPRETATIONS.

--THUS, WE DO NOT BELIEVE A LAW OF THE SEA TREATY WILL
ACHIEVE ITS PURPOSE UNLESS IT CONTAINS PROCEDURES FOR
BINDING THIRD-PARTY DISPUTE SETTLEMENT WHERE AGREEMENT
CANNOT BE REACHED THROUGH DIRECT NEGOTIATION.

--TO BE EFFECTIVE, THESE PROCEDURES MUST APPLY IN THE
MOST HEAVILY USED PARTS OF THE OCEAN -- 200-MILE ECONOMIC
ZONES. AS A GROWING MARITIME NATION, INDIA SHARES OUR
INTEREST IN PROTECTION AGAINST ARBITRARY COASTAL STATE
ACTIONS.

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